

**SUFFOLK COUNTY LEGISLATURE**

**SPECIAL MEETING**

**THIRTEENTH DAY**

**July 11, 2008**

**THE SPECIAL MEETING WAS HELD IN THE ROSE Y. CARACAPPA LEGISLATIVE  
AUDITORIUM OF THE WILLIAM H. ROGERS LEGISLATURE BUILDING,  
725 VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

**Minutes Taken By:**

Lucia Braaten - Court Stenographer

***[THE MEETING WAS CALLED TO ORDER AT 9:39 A.M.]***

**P.O. LINDSAY:**

Could I have all Legislators to the horseshoe, please? Okay. Mr. Clerk, do you want to call the roll, please?

**(Roll Called by Mr. Laube, Clerk)**

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

(Not Present)

**LEG. BROWNING:**

(Not Present)

**LEG. BEEDENBENDER:**

Present.

**LEG. LOSQUADRO:**

(Not Present)

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

(Not Present)

**LEG. ALDEN:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

Here.

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

(Not Present)

**LEG. COOPER:**

Here.

**LEG. VILORIA-FISHER:**

(Not Present)

**P.O. LINDSAY:**  
Here.

**MR. LAUBE:**  
Eleven. (Not Present at Roll Call: Legs. Schneiderman, Brown, Losquadro, Montano, D'Amaro and Viloria Fisher)

**P.O. LINDSAY:**  
Okay. Could everybody rise for a Pledge to the flag, please?

*(\*Salutation\*)*

**P.O. LINDSAY:**  
Yeah, a moment of silence for all of our men and women that are in harm's way as we speak.

*(\*Moment of Silence\*)*

**P.O. LINDSAY:**  
Thank you.

**LEG. ALDEN:**  
Mr. Presiding Officer.

**P.O. LINDSAY:**  
Yes, I recognize Legislator Alden.

**LEG. ALDEN:**  
I have a request. The meeting's probably going to go for a number of hours today, and if we could request the County Executive to come over and give us an update on what's happening on the highway patrols. My office, and I don't know if everybody else's office is getting a lot of calls on it. People are concerned with their safety, they're concerned with some of the antics that are being shown on -- you know, there's unsafe driving and things like that. So, if you could give us an update.

**P.O. LINDSAY:**  
Well, the County Executive's representative is here. I don't know whether he would, you know, be prepared to give us --

**LEG. ALDEN:**  
No. At least the County Executive could bring us up to speed on what he's, you know, had done, and also how his negotiations are doing in Albany. I think, you know, as equal members or coequal members of government, that's a legitimate request to have him come over.

**P.O. LINDSAY:**  
Mr. Zwirn, do you want to -- did you want to say something, Legislator Romaine?

**LEG. ROMAINE:**  
No. I'll let it go, since Mr. Zwirn is --

**LEG. ALDEN:**  
Or if you could just relay that request, that would be nice.

**MR. ZWIRN:**  
Mr. Presiding Officer, I'd be glad to relay the request, and also, I would be glad to bring the

Legislature up to date. I am working on this issue with the County Executive and would be glad to bring the Legislature up to date at any time.

**P.O. LINDSAY:**

Well, being that traffic is slow and I don't have a full horseshoe here, I think it would be a good time for you to do it.

**MR. ZWIRN:**

Okay.

**LEG. ALDEN:**

Well, Ben, are you going to ask the County Executive to --

**MR. ZWIRN:**

I will, but I think, Legislator Alden, I can bring you up to date as to where we are right now.

**LEG. ALDEN:**

With all due --

**MR. ZWIRN:**

If you want the information, if you want to see the County Executive because he's the County Executive, I could make that request. But, if you want the information --

**LEG. ALDEN:**

Well, it would be nice for him to come over and talk to us.

**P.O. LINDSAY:**

Well, why don't we do this. Why doesn't Mr. Zwirn tell us where he is and what he knows about the situation and then he can relay your request to the County Executive.

**LEG. ALDEN:**

That's fine.

**P.O. LINDSAY:**

Go ahead.

**MR. ZWIRN:**

Okay. Most of what has happened has been reported accurately in the press, but there are still discussions going on with the Governor's Office and will continue to go on. No doors have been closed, communications are still open. But the County Executive, as he announced, has reduced the number of Highway Patrol Officers by thirteen, which is roughly one quarter. And what that has meant is that on the Long Island Expressway, for example, where the sectors were once eight miles, they are now stretched to be about ten miles per sector, so that the Highway Patrol is still manning the County roads and will do so at this level until such time the County Executive has announced -- I guess it was for October we start to look to reduce further. But we're hoping by that time that this will have come to a resolution. But the conversations are still going forward.

The Highway Patrol was out in full force, minus the thirteen officers, but we had the individuals who are now in the Police Academy out patrolling, and the individuals that were pulled off the highways were also patrolling Town and County roads in your communities. So, as some people have said, it's a blessing to have additional Highway Patrol Officers who are trained also driving on now County and Town roads to try to keep drunk drivers or reckless drivers off the highways before they get there.

That's pretty much where we stand and the conversations continue, and, hopefully, that there

will be productive meetings shortly with the Governor's staff and hopefully get this thing resolved in an amicable way.

**P.O. LINDSAY:**

There's two other Legislators that wanted to ask him some questions.

**LEG. ALDEN:**

Just one other quick impact. How does that actually -- because Sunrise Highway runs, you know, through my district, and I've been told that it's a real slow response, because, if something happens on the highway, the officers, either COPE -- not so much COPE, but the people in the sector cars are pulled off the sector to handle accident and also traffic control, so that leads to having neighborhoods with basically no coverage, or a long wait for coverage when they call for accidents, for other types of emergencies. What's the update on that?

**MR. ZWIRN:**

I would say, if you have a particular incident that somebody in your community, one of your constituents is calling about, that we would like to address that on an individual basis. But, otherwise, it's the same system that we've always had. If there's -- if an Officer needs assistance, they'll pull from the precincts. The State Highway Patrol -- the State Troopers will also respond on Sunrise Highway as well, because they patrol Sunrise Highway. There's mutual aid agreements there.

**LEG. ALDEN:**

But the bottom line is there's thirteen less officers patrolling the highways.

**MR. ZWIRN:**

On a 24-hour basis, yes. It's on --

**LEG. ALDEN:**

Thirteen, okay.

**MR. ZWIRN:**

It works on a whole shift. Not 13 at one time, but on a shift basis, yes.

**P.O. LINDSAY:**

Legislator Romaine, did you want to comment or ask a question?

**LEG. ROMAINE:**

No, thank you.

**P.O. LINDSAY:**

Okay. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Ben, the thing I think that I would like to ask as well is I had the opportunity to be with the Smithtown Fire Chiefs Council last Thursday and they reconfirmed an expression or concern about, you know, the working with the First Responders, the Fire Department Ambulance Corps, the Volunteer Ambulance Corps, when they're responding to stress, crashes, accidents and things like that on the Expressway, and the whole protocol and rapport that's been built up over the many years that they've worked with the Highway Patrol and an expression or concern now about what, in fact, is going to be not only the protection and administering to the injured crash victims, but protection and safety of the responders that go there as well. That's one of the factors that I guess I'd throw out there that I hope gets considered in this whole dialogue.

And let me just present one other item, if I can, to you before you respond. I read with some

concern something that said that the County Executive had offered the sum of 8 million dollars to the State. And I found that somewhat perplexing that as we've sat here for the better part of seven or eight months, we've talked about 130 to 150 million dollar budget hole, and I was somewhat mystified that, lo and behold, there was 8 million that was offered. It seems to me we're getting a scattershot fiscal type of approach when it comes to cost to operate, possible reimbursements that we receive from State or Federal agencies, offers to go ahead and induce the State to put Troopers on. It seems very disjointed to me as far as what the monetary aspect is, and then, also, my concerns as far as safety.

**MR. ZWIRN:**

Okay. If I might. First of all, I'm sure that you share the County Executive's concern that your taxpayers are paying the State 12 million dollars a year extra for patrols on roads that the State should handle. That's 12 million dollars out of all your taxpayers' pockets. And the County Executive is the first one who said, "Look, we've been talking about this for 30 years, but the time is now." This County Executive is different. And how do you get their attention? You look at what happened in New York City when Mayor Bloomberg said, "We want you to take over OTB," and they said, "Well, we're not going to do it." He said, "Okay. Here's fifteen hundred pink slips and I'm padlocking the door." The next day New York State finds 200 million dollars to take over OTB and keep everybody on the payroll. Well, you know, that's sort of hardball, but the County Executive sees what they understand.

You know, Tom Suozzi, the neighboring County Executive, took on the Legislature by running, you know, Assemblyman Charles Lavine against an incumbent Assemblyman, Democratic Assemblyman. "Change New York" was his thing. He ran against a Governor, the guy who got elected, in a primary and took shots at them and he got attention. The County Executive is saying, "Look, you know, maybe this is all they understand."

But let me get to the second part. I'm sure we have your support in getting this thing resolved and getting the money or getting Troopers down here. I think, from what I gather of the Legislators, they would rather see us get the funding and keep our Highway Patrol guys on the roads. County Executive has no problem with that. He would have appreciated if the PBA, while they were lobbying for the positions on the highway, had also lobbied for the 12 million dollars to pay those salaries. That didn't happen until maybe very recently, but that wasn't the case.

But we have asked the State to come up and we have said, "Look" -- they said, "We don't have the money." So the County Executive said, "Look, we're going to have to put a class in anyway. Let's get Troopers down here. If you don't have the money to put a class in, we'll front the money." Because over time our savings will be extraordinary as time goes forward. Maybe not in year one, and it would be tough in year one under our present circumstances, but going forward for future Legislatures and future County Executives, this would be a major step in the right direction and for our taxpayers down here. So that's why the money has come in.

State Troopers cost the taxpayers less money than Highway Patrol Officers with Suffolk County, they're just paid less. They get a differential for coming down here, but they don't make anywhere near the salaries and get the benefits that our local police officers get.

So the County Executive has worked this on many fronts. He's asked the State to come back with alternatives. We thought we had an agreement. And look, we've asked you folks to come back on a number of occasions for Special Meetings to do Home Rule Messages, we which we ran up there from Riverhead the other day, it was at a regular meeting. But we drove from -- after that vote took place, Tom Vaughn from our office ran up to Albany from Riverhead to get the Home Rule Messages for Traffic Violations Bureau, everything that we -- we jumped through hoops for the State and then they changed the game every step of the way. After we agreed to this, this and this, they moved it. We had an opportunity to try to raise the revenue to pay for our own police officers to stay on the highways and then they moved the goal post one more

time.

We have operated in good faith. The County Executive had made a determination earlier to remove Troopers -- remove Highway Patrol Officers from the highways, but then, under -- Secretary Balboni came down, stood with him at a press conference, said, "We have reached an agreement and we'll move forward. There was no agreement. At least there was an agreement on our part, but there was no agreement in good faith on the part of the State. We continue to talk with them. Again, we are hopeful that, you know, we will reach a resolution before any other action has to be taken and we're hopeful. We expect we'll have meetings with them in the very near future, sit-down meetings, to try to get this thing worked out.

**LEG. KENNEDY:**

Mr. Chair. I appreciate your briefing. I think the thing that I'm going to say to you is I think we all share the fact that, you know, every one of us are sensitive to what our taxpayers' burdens are. We believe that the State should be bearing the fair share for policing on a Federal and State highway, but I'm going to disagree with taking this somewhat of a challenge stance as opposed to your other two examples. Politics with Sidikman and Lavine was the way that, you know, Suozzi wanted to effectuate change there, but it wasn't at the expense or the cost of folks traveling 55, 60 and sometimes 70 miles an hour on a highway, and, in some cases, in conditions of significant impairment. All I'm asking is, is that, as I said, the safety factor gets carried first and foremost. And secondly, if there's 8 million dollars someplace, let me know about it, so that as I continue to sit here scratching figures on an envelope, I'll know that that may be available. Now the County Executive may want to prioritize that towards police, but I think we might have something to say as far as where that gets factored into. That's all.

**MR. ZWIRN:**

I understand.

**P.O. LINDSAY:**

Okay. I thank you, Ben, for your briefing. I'm not going -- oh.

**LEG. ALDEN:**

Just one --

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

And, Ben, I want to commend the County Executive on part of what he's done. If you take a long-term approach to the finances of Suffolk County, I think that's wonderful. So, in the long-term, and I really appreciate what you said, if New York State removes that burden from us, our long-term financial picture, it really does improve. So that part of it I like, but I don't like the part of playing Russian Roulette with people's lives. And I'll let go what Legislator Kennedy just said. This has been a long-term problem. It goes back many County Executives. And I think a more safe type of approach could have been used, and I would have liked to have been a part that have. If the County Executive had chosen to come over to the Legislature and put a full-court press on from everybody in Suffolk County, I think that that would have been even a little bit more effective. So, part of it, I really want to commend what you're doing for the long-term health, financial health of Suffolk County, but the other part, I really -- you know, I have to take exception to.

**P.O. LINDSAY:**

Legislator Eddington.

**LEG. EDDINGTON:**

Yes. I just -- you know, I commend the County Executive for, you know, trying to take on a

problem that's been, you know, out there for 30 years. It's not an easy thing and he's not afraid to tackle hard problems.

What I have heard constantly is, even just now from Legislator Alden, is safety, safety, and I believe he took into account the safety of our citizens. But what I guess we're saying here is the perception is not really clear out there. So anything your office can do to help reinforce that we're not abandoning you, we've only extended this, and anything you can do from your office to make sure that the public realizes that we have considered their safety. So if anything else you can do, I would appreciate it. I think it will help us.

**MR. ZWIRN:**

I agree, and I think we have tried to do that. And, also, if you ride on the Expressway, and I get on at Exit 70 every morning, at least three four times a week, then I run Sunrise Highway from the East End as well, there is a presence out there, there's no question. I mean, you see the Suffolk County Highway Patrol. I see them every morning, and I see them on Sunrise Highway when I go that way, and we have a much heavier presence on the Expressway. So it would be nice, I think, to see the State maybe take over Sunrise Highway first, because they're already patrolling Sunrise Highway. And in the westernmost part of Sunrise Highway, we actually have the Precincts take over, because it gets so bottle-necked that its no longer Highway Patrol. You know, it doesn't make sense, so they have the Precincts cover it.

**P.O. LINDSAY:**

One last word, too, Ben, and something that's been said to me, and I appreciate you filling us in, and I would ask that Legislator Alden's request be forwarded to the County Executive.

**MR. ZWIRN:**

Absolutely.

**P.O. LINDSAY:**

Because it is something that is not only on our minds, but is also on the public's mind. You know, safety is the core of what government does and there's some concerns out there.

**MR. ZWIRN:**

I can assure you that the County Executive is well aware of that, Commissioner Dormer's aware of it.

**P.O. LINDSAY:**

Well, somebody asked me the other day, is Sunrise Highway and the Expressway the only two State roads in the County.

**MR. ZWIRN:**

No.

**P.O. LINDSAY:**

I said no. So is this going to expand --

**MR. ZWIRN:**

No.

**P.O. LINDSAY:**

-- to 25, 25A, 347?

**MR. ZWIRN:**

No.



**LEG. ALDEN:**  
111.

**P.O. LINDSAY:**  
Yeah.

**MR. ZWIRN:**  
No. These roads are sort of exceptional as far as roads in the County are concerned, and these are the only roads, and the County Executive's made that clear to the State, because they asked that same question. So these are the only roads that we're interested in, because these are roads that are really not in the Precincts as such, they're not off of -- they are main, main arteries, and are more in line with what the State Police do on a regular basis.

**P.O. LINDSAY:**  
And I know that our Police Officers are more expensive than the State Troopers and that's why the initiative to get State Troopers, but the big difference is we have some control over our local police. If the State says they'll take over the roads and they don't man it properly, we have no recourse at all, you know, and I think that has us more concerned.

**MR. ZWIRN:**  
I understand, and I think that's -- our first initiative was to try to get the funding. The County Executive said you could phase in the funding, didn't have to do it all in one year. You could phase it in, as long as we had a commitment from the State to have that done. This was not done, except on a political basis, that's the only thing we can say. This was politics and not -- and not good common sense on the part -- on the State. They could have met the County's demands in a way that would have made sense. We gave them every opportunity to do that, and maybe before we go too much farther down the road, we will have reached a resolution. We're hopeful. There's still -- the lines of communication are open.

**P.O. LINDSAY:**  
Okay. Thank you. I thank Legislator Alden for the opportunity to vet that issue a little bit, and, at the same time, for a few of the Legislators to join us at the horseshoe that had difficulty with traffic this morning.

First, I apologize to my colleagues for having to call a third Special Meeting in the month of July, which I think is an all-time record, to tell you the truth, and we're only halfway through the month.

**LEG. LOSQUADRO:**  
If you call another one, I'm not coming.

**P.O. LINDSAY:**  
Huh?

**LEG. LOSQUADRO:**  
I said, if you call another one, I'm not coming.

**LEG. ALDEN:**  
Uh-oh, an insurrection.

**P.O. LINDSAY:**  
Someone asked me a, well, question, that you didn't have much warning. You know, I only notified you of this, you know, two days ago, and I apologize for the short warning. But earlier in the month I had my secretary poll everybody where they're going to be, so I have an idea week by week how many Legislators I have. And this week is better than next week or the following

week. There's more people away next week and there's more people than that away the following week. So I apologize for the short notice. It wasn't done out of disrespect, it was just to try and get the most people here that we could.

With that, we'll start the public portion. First speaker is Roger Clayman.

**MR. CLAYMAN:**

Good morning.

**LEG. ALDEN:**

That's not on.

**MR. CLAYMAN:**

Good morning. That's on. Roger Clayman, Long Island Federation of Labor. I wanted just to state briefly some remarks that we had made previously relating to the Community College, and urge you to override the veto, and to provide the money for the Capital Budget, to support the Capital Budget to make it a first class institution. This is the place where the sons and daughters of union members and working people who are not union members go to college to become part of the great middle classes, basic to our history of Long Island. It needs this money to become a first class institution, it needs the money in order to access money from Albany, as you've heard over and over again and you know the story. It's very important to our labor movement to support the Community College, and I thank you for coming in to do this. Thank you.

**P.O. LINDSAY:**

Thank you, Roger. Rich Tortora. Thank you, Mr. Tortora, for being with us again.

**MR. TORTORA:**

Good morning. Richard Tortora with Capital Markets Advisors. I just wanted to take a few minutes of your time this morning just to follow up on some of the phone calls and personal conversations that we've had over the last week or two regarding tobacco securitization.

I understand that perhaps later today the Presiding Officer has a proposal that he's going to ask you to consider regarding moving up the hearing date on the tobacco transaction. I just wanted to underscore that the proposal, as I understand it, just requests that you consider moving up the hearing date, does not ask you to vote on the transaction itself, which you'll be asked to do at a later date.

I just wanted to underscore two or three things that we were trying to make clear to each of you over the last week or two regarding this transaction. The first one is how the proceeds will be used. And, again, it's the intention of the County, my understanding, to use the proceeds to pay debt service on existing County bonds that would otherwise come out of budgeted funds. So what you would do with these bond proceeds is you would offset those debt service payments as they would occur over the next five years with a portion of the tobacco proceeds. Approximately 185 million dollars of bonds would be paid over the next five years. We wouldn't accelerate the payment of those bonds or call them in, we would just pay them off as they come due over the next five years.

The reasons why we're asking you to consider moving up the hearing date, as everyone knows, we're in a very volatile market, and this type of transaction is very dependent on interest rates. Interest rates change every day. In the tobacco world, the market is particularly sensitive to two or three other items that we're not typically concerned about when we're issuing G.O. bonds, and those specifically are one of the major credit rating agencies, Standard & Poor's, has put 11 deals on credit watch, negative credit watch in April. A week or so ago, they added more deals to that, so Standard & Poor's, one of the key rating agencies, is clearly concerned about the tobacco industry.

We also know there's several key pieces of litigation currently outstanding, that, if adversely decided against the tobacco company's interests, could effectively shut down the tobacco industry, as it did several years ago when we had the Miles Case, the Engel's Case come down.

The third thing that we anticipate is, certainly, next month -- the end of this month, beginning of next month, just in the normal course of their affairs, the tobacco companies will release their earning reports. And, in conjunction with that, they could potentially make statements that shows that they foresee a further deterioration in their market share or in consumption of tobacco products, all of which could adversely affect the interest rates that would you get on your tobacco bonds.

So, just in summing up, I again wanted to underscore, all I understand that the Presiding Officer's resolution today would ask you to do is move up the hearing date, which would give the bankers and the County more flexibility to get into the market sooner, if, indeed, it was in the County's interest to do so.

We remain available to answer questions today following this meeting or in the ensuing weeks. Representatives from Citibank are available today as well. Thanks for your time.

**LEG. VILORIA-FISHER:**

Thank you.

**P.O. LINDSAY:**

Okay. I don't have any other cards. Is there anyone in the audience that would like to address us under the public portion? Seeing none, I'll accept a motion to --

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Close the public portion --

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

-- made by Legislator Losquadro and seconded by Legislator Romaine. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Thirteen -- 14 --

**LEG. KENNEDY:**

Fifteen. You got Lynne?

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

Okay. The first thing on the agenda is the consideration of the remaining Capital Budget Amendments vetoed by the County Executive for possible overrides today, and I believe they are in front of you. They're all the three college projects, and there's a synopsis in front of you. Do I have a motion?

**D.P.O. VILORIA-FISHER:**

Motion.

**LEG. LOSQUADRO:**  
Motion.

**LEG. ROMAINE:**  
Motion.

**P.O. LINDSAY:**  
Motion to override by Legislator Vilorio-Fisher, seconded by Legislator Romaine.

**LEG. MONTANO:**  
Is that individually or --

**P.O. LINDSAY:**  
Well, let me -- yeah, let me just say this. I'm going to make a motion that we consider all three overrides together.

**D.P.O. VILORIA-FISHER:**  
Good.

**LEG. MONTANO:**  
Thank you.

**P.O. LINDSAY:**  
All right? Do I have a second to that?

**LEG. MONTANO:**  
Second.

**P.O. LINDSAY:**  
Second by Legislator Montano. All in favor? Opposed? Abstentions?

**LEG. BEEDENBENDER:**  
Opposed.

**MR. LAUBE:**  
Fifteen.

**P.O. LINDSAY:**  
One opposition.

**LEG. STERN:**  
Two.

**P.O. LINDSAY:**  
Two oppositions.

**MR. LAUBE:**  
Sorry.

**P.O. LINDSAY:**  
Three oppositions treating them as a group.

**MR. LAUBE:**

Stern, Legislator Stern, Legislator Beedenbender.

**P.O. LINDSAY:**

Alden.

**MR. LAUBE:**

And Legislator --

**LEG. ALDEN:**

I'm in.

**P.O. LINDSAY:**

No. Okay.

**MR. LAUBE:**

Just two.

**P.O. LINDSAY:**

Just two opposed?

**MR. LAUBE:**

Thirteen.

**P.O. LINDSAY:**

Okay. So the three of them are before us, and we -- I'll take the motion again from Legislator Vilorio-Fisher to override, and seconded by Legislator Romaine. On the question, Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Well, I did not expect the vote we just had. I'll just go on the record and say that I support the Library, and the people from the College had explained to me since the last vote the situation with the Sagtikos Building, and I had planned to support that, but I did not plan on supporting the Gym, but it appears that right now I have no choice, because I support the Library and I think it's necessary. And I think that's unfortunate, because I think there's a clear public policy difference between the Library and the proposed use of the Sagtikos Building and the Gym. So I think that's unfortunate, but it appears we have no choice. So, just for the record, even though my vote will probably be in support of the Gym now, I do not support it.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

There's two points I want to make, and the first point is basically procedure. By no means are we appropriating any money today for any of these projects.

**P.O. LINDSAY:**

That's correct.

**LEG. ALDEN:**

So the fear that was put out there and then the public that has expressed their fear that we're going to bankrupt them through taxes because we have appropriated millions and millions of dollars worth of projects, that's false. This is for a plan that would be executed, and basically on an individual basis. So, as these individual projects come up, we, as the Legislators, will debate the merits of those projects, and we will either apply the amount of money that is necessary to them and approve that amount of money, or we will not approve that amount of money and cause the project to be failed.

I just want to address one problem -- not a problem, but a statement that was made earlier, and that's about the first class designation of Suffolk Community College. I believe that Suffolk Community College is a first class institution. But does it need new things going forward to maintain that status? I believe yes. And I think that this is a plan that would actually provide for that maintaining of the first class status, and maybe even improve Suffolk Community College, if that's possible.

The other thing is I had called, Bill, your office and had requested a little bit of information, and maybe even a ruling on whether all this is necessary, because I think that at a prior meeting in June we had established that there was a drop-dead date of June 30th for anything to do with the Capital Budget. And if this is necessary, that's still my question, whether it's necessary to do this or not. I believe -- I believe these projects were approved because they were not vetoed in the proper time frame.

**P.O. LINDSAY:**

When you called me, Legislator Alden, I went to Counsel for some kind of ruling on what you presented to me and he disagreed with that, and I believe he attempted to get a hold of you, but I'll let --

**LEG. ALDEN:**

Right, we played telephone tag.

**P.O. LINDSAY:**

I'll let him address the issue.

**MR. NOLAN:**

Right. This issue originally came up at our June 10th meeting. The Legislature has to complete its work amending the Capital Budget and Program by June 30th. County Executive is entitled to his 15 days to do the vetoes, and then we are entitled to our ten days from there to do the overrides. So this is all perfectly proper, the process that we're using.

**LEG. ALDEN:**

Okay. I just want to point out that in the past, there was extreme measures taken to make sure that everything was done within the Charter's requirements of June 30th.

**MR. NOLAN:**

Well, I think what we've done in the past is try to complete all the amendments at our first June meeting, so that we can do the overrides at our second June meeting and not have two or three special meetings during our recess. Unfortunately, it didn't work out that way. But we discussed at the June 10th meeting that if we tabled the Community College Capital Projects, there was the possibility that this scenario would play out just the way its played out.

**LEG. ALDEN:**

All right. Thank you.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. And just to follow up on Legislator Alden's comments, not only are we only planning for our own future budget, but, most importantly, we're, as has been stated many times in the past, but I just want to reiterate, keeping these projects active and live in the State's plan, and keep up eligible for significant amount of funding, which, at the end of the day, since we're talking about long-term budget forecasting, makes us eligible for a great deal of money and ultimately saves the taxpayers a great deal of money. We're talking about 28 million dollars

here, if and when, as Legislator Alden pointed out, we do ever move forward with these projects. So I think this is the prudent route that allows us to plan for the long-term for this wonderful institution, and I am fully in support of it.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Very quickly, I just want to echo the sentiments expressed by my colleagues. Again, this is a plan. We're not appropriating any money, we're not planning to appropriate any money. We are adding these facilities as part of a plan. If and when the time comes for us to appropriate the money, we can have the debate at that time. This is simply a plan for subsequent years. Also, keep in mind the accreditation of the College and some of the requirements of Middle States regarding accreditation.

And, lastly, I would point out by means of correction the County Executive stated in each one of his three vetoes that no other college in New York State has three gyms, three libraries, and so forth. I think he would stand corrected if he asked what Erie County had, because that is not the case. They have three campuses, they have three libraries, they have three gyms, so -- and that usually is the case. And I simply would say for the Eastern Campus, because of the population growth in Eastern Suffolk, a lot of people now who go to school there must go either to the Selden Campus or the Brentwood Campus to complete their studies, because there are a number of courses that are not available because they lack the facilities.

So I just would make that point, that the County Executive may want to do better research, and, specifically, I point him in the direction of Erie County before he makes statements in his veto message again. Thank you very much.

**P.O. LINDSAY:**

Legislator Viloria-Fisher.

**D.P.O. VILORIA-FISHER:**

I hate to admit this, but Legislator Romaine and I were thinking in exactly the same direction, because I was going to make those three points. And further to that, remember that without accreditation by Middle -- Middle States approval, we are denying our students the ability to transfer their credits to other colleges. We must be accredited.

Number two, I have been working with students in -- at Suffolk Community College who have a great deal of difficulty finding public transportation to take them to our campuses, and there's a tremendous hardship for them if they live on the East End and have to take courses at another campus. Not having a gym on one campus, on the Eastern Campus, means that in this day and age, when we know the importance of physical fitness and the problem that we're having in our country with young people not getting enough exercise, you're denying students on the East End that kind of opportunity, and getting to the other campuses is very, very difficult. So expecting three campuses to act as if they were -- as if they could be codependent on having services at another campus is unrealistic with the kind of geographic expanse that we have here in Suffolk County and lack of public transportation. So these are really critical overrides for our students and for our future.

**P.O. LINDSAY:**

Okay. Anyone else? I'm glad nobody else wants to talk, because I'm so cold my hands are frozen to the microphone. Roll call.

**MR. GREGORY:**

He stepped out.

**P.O. LINDSAY:**  
Who stepped out?

**D.P.O. VILORIA-FISHER:**  
Tim. He was too cold.

**LEG. KENNEDY:**  
We're Clerkless, Bill.

**D.P.O. VILORIA-FISHER:**  
Energy conservation begins at home.

**LEG. ALDEN:**  
But, by the way, this is Warren's fault, because normally, he hasn't been attending meetings and he likes it cold, so he called to make sure it was very cold today before he came up here, so we have to thank Mr. Greene for that.

**LEG. ALDEN:**  
Hey, Tim, good to see you.

**MR. LAUBE:**  
Went to get a cup of coffee.

**LEG. ALDEN:**  
Welcome back.

**LEG. BEEDENBENDER:**  
He expects us to talk much longer than that.

**MR. LAUBE:**  
I'm usually pretty good at gauging how long you guys are going to go, so fire away.

**P.O. LINDSAY:**  
Roll call on the override.

**(Roll Called by Mr. Laube, Clerk)**

**D.P.O. VILORIA-FISHER:**  
Yes.

**LEG. ROMAINE:**  
Yes.

**LEG. SCHNEIDERMAN:**  
Yes.

**LEG. BROWNING:**  
(Not Present)

**LEG. BEEDENBENDER:**  
Yes.

**LEG. LOSQUADRO:**  
Yes to override.

**LEG. EDDINGTON:**



Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes to override.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

(Not Present)

**LEG. COOPER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Fourteen. (Not Present: Legislators Browning and D'Amaro)

**P.O. LINDSAY:**

Okay. Next on the agenda is the discussion and possible vote to change the Public Hearing date for ***Introductory Resolution 1644-2008 - A Local Law authorizing the sale of the County of Suffolk's right to receive payments under the Master Settlement Agreement with various Tobacco Companies and the related Consent Decree and Final Judgment to the Suffolk Tobacco Asset Securitization Corporation.*** I am going to make a motion on this that was offered at our last Special Meeting to move the Public Hearing to the Budget and Finance Committee meeting on July 29th at 10 a.m., and the reason why I made that offer then, and I'll renew it now, is by then, we'll have all of our Legislators back.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

And a second by Legislator Cooper. On the motion. On -- Legislator Vilorio-Fisher.

**D.P.O. VILORIA-FISHER:**

So, Mr. Chair, are you saying that that would not be a Special Meeting, that that would be the Budget Committee meeting with --

**P.O. LINDSAY:**

That's correct.

**D.P.O. VILORIA-FISHER:**  
Okay.

**P.O. LINDSAY:**  
That's correct.

**LEG. ALDEN:**  
On the motion.

**P.O. LINDSAY:**  
On the motion, Legislator Alden.

**LEG. ALDEN:**  
And I apologize in advance, but I'm going to take just a couple of minutes on this. I think that we have to really watch out with how fast we're moving, and I'm going to point to something that happened in the past, and I'll read a little something into the record.

"Our County Executive -- Deputy County Executive for Finance echoed the comments of a budget colleague in Erie County in calling this the worst budget situation he has seen in 30 years. We've heard "Dooms Day" scenarios before and have come out of them intact, but this time it really is different. All of the factors that can break our budget are converging in one single year."

Now, we heard that before and then we took action, and I'll remind us what action we took, and then I have a couple of questions for Budget Review. We actually went and refinanced or refunded our bonds. It was a precedent-setting refunding. Nothing of its scope had been done before in Suffolk County.

And I have a couple of questions to go with -- to Budget Review. What was the exact scope of the refunding that we did? And this is back in 2004.

**MR. LIPP:**  
In 2004, we -- interest rates were down, so we did a very large refunding of -- I think it was around 145 million dollars, and mostly -- well, it was General Fund, basically, so we had some substantial savings resulting from that.

**LEG. ALDEN:**  
The effect of that was to save us from having to raise taxes, was it not?

**MR. LIPP:**  
Yeah. What we -- I believe it was over 25 million dollars that we got up-front, up-front savings, to be able to keep, in theory, or to keep taxes down, or to allow for increased expenditures of, say --

**LEG. ALDEN:**  
And that's a key point.

**MR. LIPP:**  
-- 25 million dollars.

**LEG. ALDEN:**  
And that's a key point, because that refunding could have been done in a number of different ways. One way could have been to spread the savings out over a number of years. But, instead, in Suffolk County, because we anticipated a shortfall, we took the savings in -- or most

of the savings in one year. What did that result in in subsequent years?

**MR. LIPP:**

Well, usually, when we do refundings, we have -- I guess you could call it a traditional form of refunding, so -- and we try to maximize the net present value savings. Here, we did the refunding in a nontraditional way; that is, we got as much as we could up front, because there was a concern about the budget for '05 of like over 25 million, and, as a result, and we've written this in our reviews, that we increased over the next 12 years, starting in '06, debt service by like three-and-a-half million a year. And there are restrictions when you're doing the refunding, so we had to meet a minimum of net present value savings of -- I think it's like 3% is the minimum, so we're able to meet that, but it was effectively short-term gain on a longer term, higher structural debt service.

**LEG. ALDEN:**

Right. So it cost us more in subsequent years. We took a huge amount for one year, cost us more in subsequent years. Is there any parallel to what we're proposing to do here with the Tobacco Securitization? In other words, will we have a huge savings in one year or a lot of money in one year? And what happens in the subsequent years from that?

**MR. LIPP:**

I guess you can make an analogy. The tobacco deal would be to securitize the tobacco revenues in the future, so you'd be getting up front, I wouldn't call it savings, because it's not a refunding, you get up front the present value -- well, that's not quite correct either. You get up-front revenue from sale of the tobacco asset. In return, you would have a reduced amount of the revenue in future years.

**LEG. ALDEN:**

So, the point I'm trying to make here is we did this once before because it was an emergency and we did not want to raise taxpayers' dollars, or the cost of government to taxpayers. We rushed into that and we did not really think it out properly, because, if we had, we would have used that savings and spread it out over a number of years. Instead, we're paying the price right now for taking that 25 million up front in '04. We're paying 3 million dollars extra today in our debt service. The other thing is our debt service has gone up over 30 million dollars in the last three years, four years?

**MR. LIPP:**

Well, part of the increase is because we were able to reduce from the refunding in one year. So, if you flatten it out, maybe not quite as much, I'm not sure, though, but the debt service, and we've written about this in the Capital Program, will continue to go up and --

**LEG. ALDEN:**

Approximately how much in the last three years, four years, 30 million, 40 million, because, at one other meeting, you actually testified it was 30 million dollars in the last three years.

**MR. LIPP:**

Yeah, that's probably about right, yeah.

**LEG. ALDEN:**

But that's 30 million dollars that you have to pay out of operating expenses that goes just to service our debt. And is there any other project coming up in the near future that will hugely increase that debt service?

**MR. LIPP:**

Yeah. We wrote in the Capital Program that most of the borrowing for the jail will occur in 2009 and 2010, so that debt service is higher than it was and it will continue to rise.

**LEG. ALDEN:**

I just want to caution that if we take an action on this and speed this along, we might be sacrificing our future and actually limiting the options, and we did limit the options not that long ago. When we passed that New Quarter Cent Program, the Old Quarter Cent Program was a pay-as-you-go, cash basis, basically. Now we've authorized the borrowing up to almost a half a billion dollars that will be paid back with interest for the next 25 or 30 years. Had we not done that, we would have been flexible with that whole 60, 70 million dollars. Thirty million of it already was going to stabilization. Basically, tax stabilization goes into the operating funds. But there's an extra 30 million dollars of that money that would have been available right now. We could have suspended our program for purchasing open space, because, basically, we can't afford it, or the taxpayers can't afford it, until we got into better times. But we actually made it so that we obliged ourselves way into the future and pledged that revenue stream.

The other thing is we continue, and this even happened at the last meeting, we continue to buy property out of old programs, and that actually adds to our debt service. So each and every time we buy property with those, we are increasing the amount of money that we are taking out of operating expenses. So, in effect, what we've done is we've created part of that hole ourselves.

So I just want to caution, when we're moving forward, that we are still looking at a debt bomb and we're looking at something, if we take action on this and we give up that revenue stream, that's something that already happened to us in '04 and made it worse for us in '08, and if we do something similar to that, I would -- I really don't think that this has been given enough consideration, the long-term effect.

And we actually had a statement before, and I really was glad that Ben made it, that the County Executive looked at the long-term health when he asked New York State to take over the policing of those two roads. And that's what I think we owe to our constituents, owe to the future generations in Suffolk County, not to dig a hole and put them further in debt, where we -- in a position where we have to raise taxes a few years from now. Thank you.

**P.O. LINDSAY:**

Before I recognize Legislator Romaine, I just wanted to comment on some of the issues that you raised, because I think they are very germane to what we're talking about.

One of the things that bothered me was -- with the tobacco deal, was that, you know, what you're getting as a pay-back, like 51 cents on the dollar was one of the best scenarios. But, under further analysis, what you're doing is taking a dollar that might be due to you 10 years from now, 20 years from now, or 30 years from now and you're taking the dollar now. If you waited 30 years from now, it certainly wouldn't be worth a dollar in today's marketplace. So that gave me a little bit more solace.

The other thing is we -- we voted on a request at our last Special Meeting, which I think was last week, to move it, to try and move up this process until the middle of July and we turned it down, rightfully so, and the reason we turned it down, I think, was on sound ground. This is a very, very important issue and every Legislator should have a right to be here, to look it over, to study it. And over the next couple of weeks we don't have every Legislator here, not through a fault of their own, many of them had travel plans that were made a long, long time ago, some of them are out of the country. So I think, rightfully, that we rejected that. And now the plan -- the resolution that I presented is to accelerate the Public Hearing to the last week of July, when we all should be back.

**LEG. ALDEN:**

The second thing you -- may I respond?

**P.O. LINDSAY:**

Go right ahead.

**LEG. ALDEN:**

The second thing you said is absolutely 100% correct, Legislators should be here when this meeting takes place, and I agree with you wholeheartedly. The first thing, I do agree with you to this extent. It is nice to be able to accelerate that payment, but the problem is five, ten years from now, when you need that payment, that 25 million dollars, whatever it ends up being, that's not going to be there. So if the question was whether these tobacco companies' financial health would imperil our ability to collect that money, I would listen to that argument, but I've also done some study of it. These guys are doing fantastic everywhere but in the United States, so these companies are not going to go out of business. So maybe they'll reduce the amount of money that we get slightly, but these guys are going to be around here for a long time.

**P.O. LINDSAY:**

Well, maybe, you know -- but our settlement is only based on U.S. sales.

**LEG. ALDEN:**

Right, but that's what -- my point is maybe their sales are shrinking slightly, but, still, it's going to amount to a substantial amount of money. If you spend 25 million today of future revenue, you've got to have a plan to make up that 25 million, and, in this case, it's hundreds of millions of dollars worth of revenue for a one-shot and one-time benefit, and then that's really what it boils down to, similar, very, very similar to what we did in 2004. So, on those two, I agree with you on both statements, but I do not disagree, but if we're going to take action today to plug a hole in the budget, we really, really have to consider the long-term future actions and how that impacts our budget negotiations for -- or our taxes for years to come.

**P.O. LINDSAY:**

Well, one of the premises is the long-term revenue might not be there.

**LEG. ALDEN:**

But when you really scrutinize that, for that revenue to fail, you would have had to have all those major tobacco companies go out of business. And with the amount of money that they're making from the overseas sales, they are not imperiled at all.

**P.O. LINDSAY:**

No, it's hooked to domestic sales.

**LEG. ALDEN:**

Right, but that's the long-term life. There will still always be domestic sales. Are they decreasing slightly? Yes, there is some slight decrease. But that's the difference between making 25 million dollars a year and maybe 24 million dollars a year. And that's why I looked at that argument, and I would have really seriously looked at it had it been made in depth here, too, and I think that it really should be looked at in the future in that July meeting, or whether it's other.

But I want to point out one other thing, too. I had put Public Hearings, or had attempt the to put Public Hearings into committees and it was -- actually, it was followed for a little while and then we very strongly, not we, but the Legislature disagreed with me and did not want to hold public hearings in the committee, so I wonder why the change of heart.

**P.O. LINDSAY:**

Simply, the only reason for a change of heart is the appeal by the financial -- our financial advisors to accelerate the process, because they're looking at the market and they're afraid we're going to lose some money if it goes on too long.

**LEG. ALDEN:**

I thought maybe we were going to go back to the good ol' days, when we had them in the --

**P.O. LINDSAY:**

No, no, no, no.

**LEG. ALDEN:**

-- public hearings in committee. All right.

**P.O. LINDSAY:**

You're like --

**LEG. ALDEN:**

I'm disappointed a little bit, then.

**P.O. LINDSAY:**

You're like an elephant, you never forget anything.

**LEG. ALDEN:**

I'm a little disappointed, that's all.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Thank you, Mr. Presiding Officer. First of all, I'd like to thank Mr. Tortora for spending some time with me. He came to visit me in the office yesterday and we had a very pleasant chat and went over many of the aspects of the deal that he was talking about. And let me say right away, I was very happy, because there were aspects of the deal that troubled me that now trouble me less, the first of which was when we were going to start selling the rights of tobacco. Originally, it was 2013, it now looks -- we will move to make that 2009. And I'm going to be looking at that, because that's one of the key factors.

The other thing is that we're not going to be taking 100%, we'll only be taking 75%, so that there will be a stream of revenue that will continue, about 25% into future years. It still troubles me, though, because I know what we're doing is we're creating structural deficits. There is no question that -- and I was particularly concerned when originally it might have been 100% and it was 2013, possibly after the County Executive was -- had left office, that his successors would face a huge 23, 24 million dollar structural deficit for multiple years to come.

Let me talk about the data and having a hearing. I'm still making up my mind on tobacco. I've abstained. I've never voted no, I've never voted yes, because I've had outstanding concerns, and I'm going to be studying this very carefully. But I heard of the marketplace and how questionable this deal is and how it could flip and how we could get less, and there's all types of things, and, all of a sudden, we have to have a public hearing on July 29th instead of August 5th. Wow. I guess six or seven days really makes a difference. I don't think it does. And if the deal depends on that type of timing, then I've got to question the deal.

Clearly, we're all going to be meeting August 5th, there's a General Meeting. Why aren't we having the Public Hearing when all 18 of us would be here, when more people would be here also? If you're not a member of this committee, unfortunately, I am, but if you're not, means yet another visit back to Hauppauge. I don't know the difference that seven or eight days makes.

And I heard the discussions and it made me even more nervous about the type of financing that we were entering into. I know that over the 20 -- we're going to go out, and if it's -- if we repay over 20 years, we get 51 cents on the dollar. And, yes, a dollar isn't going to be as -- worth as much in the future as it is now, but I think it's going to be worth more than 51 cents. If we pay it

off over 40 years, it's 26 cents, but I understand that we're going to be paying this off over 40 years.

I also question, and maybe it's the skeptic in me, where we stand financially. I sat here in November with the rest of us, and October, and we had the budget hearings and we adopted a budget. At no time did anyone come and say, "We could have a problem in 2009." And I was very surprised, I have to say, on February, I think it was, 4th of this year, the State of the County Message where the County Executive was quoted the next day in Newsday saying there's a 200 million dollar potential deficit. I said, "Wow. What happened between November and the beginning of February?" And then it shrunk to 150 million.

The interesting thing about this deal is none of this money, which, by the way, is an attractive feature for me, none of this money is going to be used for operating. We're not going to be spending a penny of this on operating. All of this is going to go to bond to pay off our debts.

And I have a question now for Budget Review, because I see you shaking your head, Bob. Maybe you can educate me if I've made the wrong statement. But, first of all, my understanding is that the money that we raise from this tobacco deal is going to be used to pay off our outstanding debts; is that correct?

**MR. LIPP:**

Yes. And what that means, actually, is, as the debt service payments come due --

**LEG. ROMAINE:**

Due.

**MR. LIPP:**

-- we will be paying it just as -- so it's an Operating Budget expense, just as salaries, equipment, supplies would be.

**LEG. ROMAINE:**

Now let me ask you another question. This can't be used for just any old debt. We can't pay off the courthouse with this, we can't pay off other debts, there's only certain debts that we can pay; is that correct?

**MR. LIPP:**

Yes.

**LEG. ROMAINE:**

Okay. Is there enough debt, if we wanted to pay off -- let's say we raised -- you know, they're talking about between 175 million and 225 million from the tobacco deal. Is there enough in the first year to pay off debts?

**MR. LIPP:**

The way the deal is structured, and perhaps the Financial Advisor would be better at this than me, but -- and they could correct me if I'm wrong.

**LEG. ROMAINE:**

Okay.

**MR. LIPP:**

But, basically, if you use the 175 million as the initial --

**LEG. ROMAINE:**

Right.

**MR. LIPP:**

-- template, one of the scenarios was you would be using basically 60 million of it towards the '08-'09. So, for the '09 budget, 15 plus 45. And then the remaining 125 million would be used 35 million each in the Year 2010, 2011, 2012, and then the final 20 million in 2013. That actually adds up to 185 million, because it's building up interest, the 175 million, it's not being spent immediately. So the problem with -- so the 175 million, as an example, would actually -- only 60 million would go to helping the '09 budget. The remaining 125 million would be helping future budgets. But then after that, you've got the structural problem.

**LEG. ROMAINE:**

After 2013.

**MR. LIPP:**

After 2013, correct.

**LEG. ROMAINE:**

Boy, I wouldn't want to be County Executive in 2014, because you're going to have a structural deficit from the loss of the tobacco revenue, plus you're going to have the debt coming due. But let's focus on that. First of all, by the way, that's, to me, an attractive feature. One, that you're using it to pay down debt, and two, that you're doing it over a number of years is an attractive feature. And one of the reasons that I understand you're doing it over a number of years, there isn't enough debt service to actually use more of the money sooner.

**MR. LIPP:**

Yeah, there is -- you can actually, the way they're structuring, if they go -- starting in '09 instead of 2013. The reason why that works is you would -- number one, you'd have a larger dollar amount, perhaps 220, 230 million dollars, but there is more debt out there that they could actually structure. So you could spend the 220, 230 million that apparently they have identified in that neighborhood.

**LEG. ROMAINE:**

Right.

**MR. LIPP:**

They're still tweaking the numbers, though.

**LEG. ROMAINE:**

All right. So we're going to get relieved of about 60 million dollars of expenses. And from what I understand, we don't have a problem, from what I've been able to gather. And I don't know, because it changes every day. And I don't blame this information on the Executive's Branch, because I understand finances change every day. But, from what I understand, the problem is not in 2008, and probably in 2008 we're going to have, you know, a very large surplus, a multi-million dollar surplus. So the problem may be in 2009. So, by using this, we are only going to relieve ourself of about 60 million dollars of expenses in 2009. And, yet, if the numbers haven't changed, and they may have changed, because they're subject to, we had a projected, or, from what I've been able to read, 150 million dollar potential deficit. Now, some of that may have been closed with the Suffolk Health Plan, some of that may have been closed in other ways, but, essentially, 60 million would leave us, you know, at least another 60, 70, 80 million to plug the hole.

I think, before we would vote on this deal, and I don't want to interrupt the Presiding Officer, but before we vote on this deal, I would believe we should review where we are with the finances, because it would seem to me that if we do this deal and we commit to this debt, and we sell the tobacco rights, and we get the 51 cents on the dollar, because we're going to pay it off in 20 years -- and I like the fact that we're paying down debt over five years, but we're not paying



down enough of a debt. If, in fact, the fiscal problem is as serious as has been portrayed, we're not paying down enough of a debt to resolve our problem. And what I'm afraid is the Master Planners over there have yet another program already in the wings that they haven't related to us. They're waiting for this shoe to drop before they drop the second shoe. And I hate the piecemeal approach to finances. I'd prefer to hear where we are, one, financially, and two, what other plans there are in the wings, because I assume there are, because this doesn't solve the problem. It doesn't come close to solving even half of what was the projected problem. So I have some grave concerns, not with tobacco as much as with the overall finances.

I truly believe this Legislature to be a Legislature, to be a co-equal responsible branch of government, should devote part of the August 5th meeting to a review of our finances, not at a committee meeting when only some of us will be present, but at August 5th, six days, seven days later after what you have projected, sir; that, at that time, we conduct a full blown review of our finances, we ask the Executive Branch, we ask our Budget Review Office, to work with us to prepare questions, so we can probe the extent of this problem and the solutions out there, because, you know, I only have anecdotal information. I've served -- this is my third year serving back in the Legislature, and each of those years it was a crisis, always in the Spring. And I understand before I got here, as County Clerk, and I watched the Legislature, the Executive always had a financial crisis every Spring. This is the fifth year of crises every Spring. And we know the first four years were baloney, we know that. We know he went in and told the bonding agents that it looked bad, and then it looked great at the end of the year, because it really wasn't as bad as he thought.

Now, I'm willing to suspend my disbelief of the last four years, because I do believe the economy has changed and there is potential for recession, and there is a problem out there. But I'd like to get my hands around a little bit more information and about what future plans are going to be presented to us after we agree to the tobacco deal, because the votes are there probably to agree. And I believe the right time to do this would be an August 5th meeting. And I would invite my colleagues of all parties to -- and we have four political parties represented around this table -- to meet on --

**LEG. LOSQUADRO:**

Yeah?

**LEG. ROMAINE:**

The Independence. To meet on August 5th to review our finances. I believe this is a great opportunity to do that.

And, again, I want to end by thanking Mr. Tortora, because he gave me a lot of information that made me think about this settlement. And while I may be more comfortable with the settlement, it raised more questions about our financial conditions that I don't believe have been satisfactorily answered. Thank you.

**P.O. LINDSAY:**

I was going to make some comments, but I'm not going to make any comments, because I know some of my colleagues have to leave and -- so I would like to finish our business. Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you, Mr. Chairman. I just want to make sure we're making a proper vote here -- a proper motion here. And I want to ask Counsel, do we need to waive the rules as part of this motion? Because, as far as I can tell, looking through the minutes of the Organizational Meeting of 2006, a vote failed, that Legislator Alden had actually proposed, to strike any mention or reference to Public Hearings being only held at General Meetings. That vote failed, it only got six votes. So, therefore, in the Rules, we specifically say in our Rules of the Legislature that we may only hold public hearings at General Meetings. So what motion needs to be made to accomplish this?

Counsel, is that correct?

**MR. NOLAN:**

That may be correct. However, the ability to hold a Public Hearing at a committee meeting is in the Charter and the Administrative Code, so the Legislature has the ability, notwithstanding, obviously, a Charter --

**LEG. LOSQUADRO:**

Don't say this too loud to Legislator Montano. You're telling me that the Rules of the Legislature don't mean anything?

**MR. NOLAN:**

I'm not saying that, I'm saying the Charter means more. If it's in the Charter and the Administrative Code, which is Charter Laws and Local Laws, then we have the ability to set a Public Hearing at a committee meeting.

**LEG. LOSQUADRO:**

I still think the proper vote would be to waive our Rules, though.

**P.O. LINDSAY:**

Well, if you feel comfortable, I'll change the motion to waive the Rules and to set the --

**LEG. LOSQUADRO:**

I believe that would be the proper motion based on our Rules.

**P.O. LINDSAY:**

Could you correct the motion, Mr. Clerk? The motion now is to waive the rules and to change the hearing date from August 5th to the Committee Meeting of Budget and Finance on July 29th at 10 a.m.

**MR. LAUBE:**

Same motion, same second?

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Done.

**P.O. LINDSAY:**

Okay. Next is Legislator Kennedy.

**LEG. KENNEDY:**

Absolutely. As a matter of fact, thank you, Mr. Chair. My questions with this are going to be, I guess, perhaps requests, since, theoretically, I guess we're not debating the bill in front of us. But I'm concerned. I've had philosophical concerns, which I've articulated many times, about the use of this money and where it's going. But I also am concerned that, ultimately, the outcome of this is delegating our authority to an intermediary, the Corporation. And I don't see anything associated with the Charter or the rules and regs of the Corporation, nor any resolution by the Corporation as to how the proceeds are going to be taken and how the proceeds would actually be expended. Ordinarily, I think we would look at this, were it an account that we are creating within our budget, possibly talk about an enterprise fund or something that had a specific use. And while we have been presented with this concept of a sinking fund that would be utilized for retirement of debt for multiple years, I really know nothing about how the Suffolk Tobacco Corporation will conduct business, nor have I seen any of the filing documents associated with it or a resolution. So, through yourself, Mr. Chair, I guess I'd ask if I could get

any of those documents made available, that would be relevant to some of the discussion I'd want to have.

**P.O. LINDSAY:**

Well, I would certainly make any documents that you request available to you. You know, I'll find them, I'll get them from the Corporate officers and forward them to you.

**LEG. KENNEDY:**

Thank you.

**P.O. LINDSAY:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

I just have a quick question. But first, let me just say, I'm consistently impressed by the unwavering optimism of Legislator Romaine in hoping that the County Executive will be gone in 2013, so --

**LEG. ROMAINE:**

Well, no. I fully expect that he'll be reelected, let me say that.

**LEG. BEEDENBENDER:**

But I just wanted to clarify one thing that Legislator Romaine had asked. I don't think it's that we don't have enough debt in 2009, I think it's -- the differentiation is we don't have enough debts -- bonds that are callable to pay off.

**LEG. ROMAINE:**

Right.

**LEG. BEEDENBENDER:**

And I think that's just a differentiation I wanted to make and --

**LEG. ROMAINE:**

You're right.

**LEG. BEEDENBENDER:**

All right. If Legislator Romaine agrees, then I don't need to ask Rich and --

**P.O. LINDSAY:**

Just understand something. We're not paying off long-term debt, we're paying the interest only.

**LEG. BEEDENBENDER:**

And we're not paying anymore debt, yeah. And we're not paying anymore debt than we would if we're paying what we --

**LEG. ROMAINE:**

Right.

**P.O. LINDSAY:**

Okay. Does anybody else want to comment on this before I take a vote, so we can get out of here? All right.

**LEG. ALDEN:**

Roll call.

**P.O. LINDSAY:**

Yeah, roll call.

**MR. LAUBE:**

This is the vote to waive the rules.

**P.O. LINDSAY:**

To waive the rules and to set the Public Hearing for July 29th. And I should make everybody aware of it, that if this does pass, we will make sure that every Legislator is notified that the Public Hearing on this will be held at the Committee meeting, that they'll have the opportunity to attend.

**LEG. MONTANO:**

Point of order.

**P.O. LINDSAY:**

Point of order, Legislator Montano.

**LEG. MONTANO:**

I just want to make sure I understand the motion. Is the motion to waive the Rules --

**P.O. LINDSAY:**

To waive --

**LEG. MONTANO:**

-- or to waive the Rules and set the Public Hearing, which is a different motion? Can you do that compound motion?

**LEG. ALDEN:**

Yes.

**P.O. LINDSAY:**

The motion is to waive the Rules and to move the Public Hearing from August 5th to July 29th. Roll call.

**(Roll Called by Mr. Laube, Clerk)**

**P.O. LINDSAY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. ROMAINE:**

No to waive the rules.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

(Not Present)

**LEG. BEEDENBENDER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Pass.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

(Not Present)

**D.P.O. VILORIA-FISHER:**

Yes.

**LEG. MONTANO:**

No.

**P.O. LINDSAY:**

Okay. And that brings us to --

**MR. LAUBE:**

Twelve. (Not Present: Legs. Browning and D'Amaro)

**P.O. LINDSAY:**

-- to *Item 4 on our agenda, presentment of veto resolutions for possible override votes, including, but not limited to, Introductory Resolution 1574 and Introductory Resolution 1574A*, which is the bond. I think, you know, we were getting vetoes fast and furious, you know, we left it wide open in case I got another one this morning or in the interim from when we called the meeting, but I believe we only have the one veto.

**MR. NOLAN:**

No.

**P.O. LINDSAY:**

Oh, we picked up another one, I'm sorry. Okay. We have --

**D.P.O. VILORIA-FISHER:**

The Audubon.

**P.O. LINDSAY:**

Right, okay. So let -- we have two, so I'm sorry we have to go through this, but let's go to 1574 first, and I'm looking for it. Okay. Thank you very much. ***1574 is appropriating funds in connection with the improvements to the County Golf Courses to plan for the replacement of the obsolete golf cart barn at the Suffolk County Timber Point Golf Course.*** Do I have a motion?

**LEG. ALDEN:**

Motion.

**P.O. LINDSAY:**

Motion to?

**LEG. ALDEN:**

Override.

**P.O. LINDSAY:**

To override.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Kennedy. Is there any discussion? I think someone should really put it on the record that the bill -- the planning steps is consistent with our Capital Budget; am I not -- am I correct, Ms. Vizzini?

**MS. VIZZINI:**

Yes. Resolution 540, which is before you for possible override, appropriates \$80,000 that is budgeted in the '08 Capital Program for planning for the replacement of the cart barn for the storage of and -- storage of the golf carts at Timber Point. Consistent with your adoption of the '09-2011 Capital Program, we have included a million dollars in subsequent years for the construction component.

**P.O. LINDSAY:**

Okay. And I'd also like to add to the record that I believe this building is, what, 50 years old?

**LEG. ALDEN:**

It's probably more than 50 years old. It's a wooden structure. There is not fire suppression in there. There's approximately \$300,000 worth of equipment in there that would be at risk, plus the main building. If this building catches fire, the main building is going to go. There's a safety factor here where this is really where all the traffic comes into Timber Point.

Basically, the other thing is that we make money off of these, so this is a revenue enhancement. It's always been revenue enhancement for the County.

**P.O. LINDSAY:**

Okay. Thank you for adding that to the record. Legislator Eddington.

**LEG. EDDINGTON:**

I'm just wondering, have we ever thought of selling this, so that we don't have to be replacing these things and letting a private, you know, person come along and take it -- take this?

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

Legislator Eddington, the County, before I got here, and that was a couple of years before I got here, embarked on maybe a mission of selling the golf courses. The one that we did do it with was down there in Bergen Point and the person is -- he's been indicted by the DA's Office for all kinds of crimes. So it really didn't work out over there very well for the revenue to the Suffolk County residents.

**P.O. LINDSAY:**

And just to clarify, we didn't sell the golf course, but we brought in a vendor to operate and we just get a percentage, it's still County parkland, but the guy has really done a horrible job.

**LEG. EDDINGTON:**

Well, I mean, that sounds like poor planning on the -- at that time, whoever was in charge of doing that, obviously. But I would like to maybe look at this, because, I mean, I've been at meetings where all the bonds were no. The people were here saying, "We're not going to support bonds," and now we're asking for something, and I'm just saying, maybe there should be other alternatives and options.

**P.O. LINDSAY:**

Well, I think, as we go into the Fall, I think we all should put our "thinking cap" on for some innovative ways of raising revenue, rather than selling off little pieces of our infrastructure --

**LEG. EDDINGTON:**

Right.

**P.O. LINDSAY:**

-- like our Nursing Home.

**LEG. EDDINGTON:**

Certainly, then this would be beneficial to projected sales in the future.

**LEG. ALDEN:**

Absolutely.

**LEG. EDDINGTON:**

Okay. Thank you.

**P.O. LINDSAY:**

Legislator Horsley, I'm about to lose a Legislator in five minutes, so make it quick.

**LEG. HORSLEY:**

Okay, just very quick. Just to reaffirm Jack's point over there, just because the guy was a crook doesn't mean that a concession for golf carts is not appropriate, because the State has this for every one of their golf courses, they have concessionaires, and I've never seen them get into trouble, other than this guy here.

**P.O. LINDSAY:**

Thank you.

**LEG. HORSLEY:**

So it's not an unusual position.

**P.O. LINDSAY:**

Okay. We have a motion to override and a second. I'm going to do a roll call. Roll call.

**(Roll Called by Mr. Laube, Clerk)**

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. ROMAINE:**

Pass.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

(Not Present)

**LEG. BEEDENBENDER:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

(Not Present)

**LEG. COOPER:**

Yes.

**D.P.O. VILORIA-FISHER:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. ROMAINE:**

No.



**MR. LAUBE:**

Twelve. (Not Present: Legs. Browning and D'Amaro)

**P.O. LINDSAY:**

Okay. We have one more. What's the next one? Oh, I'm sorry. Unfortunately, there's a -- the bond was 1574A. That was vetoed as well.

**LEG. ALDEN:**

Motion to override.

**P.O. LINDSAY:**

Same motion, same second. Roll call.

**(Roll Called by Mr. Laube, Clerk)**

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

(Not Present)

**LEG. BEEDENBENDER:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

(Not Present)

**LEG. COOPER:**

Yes.

**D.P.O. VILORIA-FISHER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Twelve. (Not Present: Leg. Browning and D'Amaro)

**P.O. LINDSAY:**

Okay. The next one is Resolution 15 -- ***533 - Authorizing participation in the Audubon Cooperative Sanctuary Program for Golf Courses.***

**LEG. COOPER:**

Motion to override.

**P.O. LINDSAY:**

Motion to override by Legislator Cooper.

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

Second by Legislator Alden. Any discussion on this?

**LEG. LOSQUADRO:**

What's the cost on this again?

**P.O. LINDSAY:**

What is the cost?

**LEG. COOPER:**

Two hundred dollars.

**LEG. BEEDENBENDER:**

Two hundred dollars?

**LEG. COOPER:**

Two hundred dollars.

**P.O. LINDSAY:**

What's the two hundred dollars for?

**LEG. COOPER:**

It's a fee so that we can participate in this program run by Audubon International, and we would get access to all their advice and expertise for wildlife habitat management, waste management, energy conservation, water conservation.

**LEG. LOSQUADRO:**

Bill.

**LEG. ROMAINE:**

It's an outrageous expense.

**P.O. LINDSAY:**

Legislator Losquadro. I thought you were going to ask whether we're bonding it.

**LEG. LOSQUADRO:**

It wouldn't surprise me. No. I just wanted the sponsor to speak to the comments in the veto message, that this would put additional pressure on Parks and Rec without providing any real or significant benefit to Suffolk County or its residents. What burden would this actually place upon the Parks Department?

**LEG. COOPER:**

Well, I think that the -- I don't want to speak for the County Executive, but his veto message objected to the language that was used in the resolution, which I don't understand. He objected to the phrase "Authorize, empower and direct" the Parks Commissioner to try to implement this program.

Earlier this year, we -- so far this year, we've enacted at least 25 resolutions with the exact same language for either the Parks Commission or the Public Works Commissioner or the Police Commissioner, Health Commissioner. In the eight years I've been in the Legislature, literally hundreds of times we've enacted resolutions with this exact same wording. So, honestly, I don't understand why suddenly the County Executive is objecting to this terminology. We've put it on the record multiple times that, ultimately, this would be at the discretion of the Parks Commissioner. There have been other resolutions that we implemented recently, the Eco-Tech Park Resolution that I sponsored two years ago, which used the same language. Eco-Tech Park has not been put into effect yet, but I haven't pressured the Parks Commissioner. I've been working with him cooperatively for two years. We passed another resolution directing him to set up five off-leash dog runs, he's only done one, but there's been no pressure upon him. So I pledge to work with him on this. And I can't justify the County Exec's veto, I mean, you'd have to ask someone from his office, but it doesn't make sense, as far as I'm concerned.

**LEG. LOSQUADRO:**

Well, I understand your point, but I think, as we have seen in the past, even if we do have the language in to empower and direct, sometimes it becomes the discretion of the Administration or the Department, much as is the case with the Health Department with working with previous pieces of legislation, whether it be the one I initially sponsored for the Pool Safety Task Force, or the one that you did, where no such brochures or information was ever forthcoming. So, you know, I question whether or not this is worth the paper it's printed on, and that's unfortunate.

**P.O. LINDSAY:**

Legislator Vilorio-Fisher.

**D.P.O. VILORIA-FISHER:**

Actually, Legislator Losquadro, on your pool safety, there were brochures developed and distributed --

**LEG. LOSQUADRO:**

Not --

**D.P.O. VILORIA-FISHER:**

But that was a couple of years ago.

**LEG. LOSQUADRO:**

Not through the -- I'm sorry, Mr. Chairman, through the Chair. Not as the original intent of the legislation was designed, which was to have it distributed with every new pool purchased in

Suffolk County --

**D.P.O. VILORIA-FISHER:**

Right, that was not done.

**LEG. LOSQUADRO:**

-- and the Health Department never followed through on that.

**D.P.O. VILORIA-FISHER:**

They didn't follow through on that portion of it. But I did want to ask the sponsor, because looking at the last full paragraph, it does give me some concern. If the Parks Department were to enter into this agreement, would the Parks Department then have to operate under the rules and regulations or strictures of the Audubon Society? Not that that would be bad, but that it would -- it would create, as is stated here, a level of authority under which our Parks Department would no longer be autonomous, but would have to work under their rules. And that's what's --

**LEG. COOPER:**

Right. There is no such requirement. The Parks Department can opt out of the program any time that they want to. But, most importantly, any decisions that are made, whether this will indeed be implemented at any particular golf courses, it's at the discretion of the Parks Commissioner. I've conveyed that to him directly. Multiple times we've put it on the record.

**LEG. MONTANO:**

Yeah. I would like to vote on this. I'm just going to let you know that if the debate continues, I'm going to have to walk out. I have to go to a doctor's appointment.

**P.O. LINDSAY:**

Okay.

**D.P.O. VILORIA-FISHER:**

Okay.

**P.O. LINDSAY:**

Anybody else?

**D.P.O. VILORIA-FISHER:**

Okay. Thank you for clarifying that.

**P.O. LINDSAY:**

All right. We have a motion and a second. All in favor? Opposed? Abstentions?

**LEG. EDDINGTON:**

Opposed.

**LEG. BARRAGA:**

Opposed.

**P.O. LINDSAY:**

One, two opposition.

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

Huh?

**MR. LAUBE:**  
Fifteen.

**P.O. LINDSAY:**  
Fifteen? Two --

**P.O. LINDSAY:**  
Two opposed.

**P.O. LINDSAY:**  
Two opposed. You couldn't have 15.

**MR. LAUBE:**  
Oh, 13. Sorry. I'm thinking it's 17. (Not Present: Legs. Browning and D'Amaro)

**P.O. LINDSAY:**  
Okay. I don't have anything else on the agenda. I'll accept a motion to adjourn.

**D.P.O. VILORIA-FISHER:**  
So moved.

**P.O. LINDSAY:**  
Second. All in favor? Opposed? Abstentions? I'll see you at the next Special Meeting.

***[THE MEETING WAS ADJOURNED AT 11:00 A.M.]***